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## THE MURDER TRIAL

The State has Closed and the Defense Begins its Case.

### IMPORTANT EVIDENCE GIVEN

YESTERDAY BY MISS ANNIE RILEY, MRS. COMBS AND JOHN BLATTNER—THE LATTER TESTIFIED THAT CHARLES McLAUGHLIN THREATENED TO KILL JOHNSON AND DEVINNEY—SYNOPSIS OF THE TESTIMONY OF THE SEVERAL WITNESSES.

The state closed its case yesterday morning in the Devinney-Johnson murder trial, in the criminal court, and the defense had made considerable progress at 6 o'clock last evening, when Judge Huges adjourned court until this morning at 9:30 o'clock. The crowds attending Monday were larger than on any previous day of the trial and many people were unable to obtain admittance. Among the more important witnesses of the defense, who were examined yesterday, were Annie Riley, Mrs. Combs and John Blattner, and of these the testimony of the latter was the most sensational. He testified in effect that he had met the McLaughlins on the river bank at the La Belle mill landing, and Charles McLaughlin had said in so many words that he was prepared to kill Clarence Johnson on sight. Mr. Howard worked on a weakness of the witness with the purpose, of course, of discrediting his testimony.

### MORNING SESSION.

The first witness of the day, and the last of the state, was Thomas J. Lynch, a fireman at the Belmont blast furnace, near the Parker block which has figured so prominently in this case. His story was in effect that he had seen the McLaughlin party pass up Main street a few hours before the murder. When they passed the Parker block, Johnson shook his fists at them. The crowd's attention was attracted by the scene.

The defense then began building up its case on the testimony of its own witnesses, and first called Will Craig, who had testified for the state. Charles Johnson was brought in and Craig said he knew him, and admitted that Johnson had taken his revolver from him in the yard at Steinacher's on Thursday night and fired one shot. The witness testified that this left only five shots in the gun, the defense endeavoring to have him admit six were left. The witness admitted that he knew John Blattner, and had talked with him at the La Belle landing on Thursday afternoon, the day before the murder. He did not remember having said to Blattner that he had nearly worn the toe of his shoe off kicking Clarence Johnson early that morning.

At 11 o'clock the jury was taken to the scene of the murder. The defense called particular attention to the bullet hole in the bill-board on the east side of the street, and it is intimated an attempt will be made to prove that McLaughlin fired at Clarence Johnson, standing in the street. A bullet hole in the shoe shop front was also pointed out, and it is said the defense will attempt to prove Will Craig fired at Devinney and Johnson, impelling Johnson to retreat to the middle of the street. The jury was next taken to houses on the south side of the creek, where several witnesses were and saw the tragedy.

### AFTERNOON SESSION.

At the opening of the afternoon session at 2 o'clock, Baltimore & Ohio Officer John Short was called to the stand. He testified to the distance between the two poles that stand at the scene of the tragedy, and the flowers were 27 feet 3 inches. William Hollingsworth made out the distance the same.

### MISS ANNIE RILEY.

Miss Annie Riley, who occupies rooms in the Parker block, corner of Twenty-fifth and Main streets, was next placed on the stand. She had talked with Will Craig the morning of the murder. Craig had asked if she had seen Johnson and Devinney, and she had answered in the negative. Thereupon Craig said she was a liar. She testified to the conversation at her gate between Johnson and Will Craig. Craig, she said, had a revolver in each hand.

"Did you see Johnson later?" "Yes, after dinner, at the side window."

The witness, continuing, said that they went over and looked at John's foot, which had been injured in the fight with the McLaughlins. A question by Mr. Boyce brought forth an objection from Mr. Howard. Mr. Boyce replied that he expected to show that Will Craig, Charles McLaughlin and Frank McLaughlin all carried revolvers on the day of the shooting, and would prove it by this witness, Miss Riley.

"I will show that Charles McLaughlin was within thirty feet of the place," said Captain Dovenor.

"Charles McLaughlin was not there," said Mr. Howard.

"Charles McLaughlin was there; right in that private alley," came back Captain Dovenor.

"What did you tell Johnson?" "He asked me if I had a revolver, and I told him 'yes.'"

This conversation was not heard by others. It occurred Friday, about 1 o'clock.

Of occurrences the day before the murder, the witness said she was awakened by a woman's scream, and looking out the window she saw three men beating another. One of the man's assailants was using half a brick. She thought Craig tramped on Johnson's head, though she believed he intended

tramping on his face. Witness yelled "murder," and "police," whereupon one of the three men started to throw a brick at her. One of the men had light shoes on. She could not say Frank McLaughlin was the man with the brick when he stood up. "He was not," said the witness. "He was carrying it in a neighboring house, said the witness. To Mr. Howard the witness said she was alone when awakened by the woman's screams. Miss Mary Adams was with Miss Dora Marshall in her room that morning. Other occupants of the building were inquired into. Witness was formerly an inmate of Besse Dore's house, on Water street, where she was "house-keeper" in other such places. She knew Clarence Johnson, but did not know Devinney. She had seen Johnson at the Parker block several times. Johnson had never been in her apartment. She had seen him on the morning of the murder, without a coat on, and he wore a straw hat. At this time he was in Mrs. Combs' house or apartment. Craig had not been seen that day. Her conversation with Craig occurred just after eating breakfast, about 10 o'clock. She was sure it was earlier than 12, but could not say it was earlier than 9 o'clock. It was after 8 o'clock, she was positive.

"Who was with Craig?" "He was alone."

"Did you ever see Charles McLaughlin?" "No, sir."

Witness was asked regarding where she stood when the conversation with Craig occurred, and she answered minutely. Craig and Johnson had not been in the neighborhood, and Johnson asked about his hat. Craig soon left, and went up to Twenty-fifth and Market streets. She saw no other persons present.

In the Thursday morning fight, she first recognized only Johnson, but later identified Craig. She believed it was Johnson's left hand which was tramped upon.

"Where were you when the trial commenced?" "In Wellsville, Ohio."

"When did you go?" "Two weeks ago last Saturday."

"When did you come back?" "Why did you go away?" "Well, I was sent for to come, and I didn't want anything to do about this trial."

"Who sent for you to go to Wellsville?" "Miss Julia Ray."

"What business is she engaged in?" "She's in no business."

"Why did she want you?" "Well, I had been there two years ago."

"What did she want you for?" "I ain't got nothing to say."

"I ain't got nothing to say," interposed Captain Dovenor.

"Well, I am in the sporting business."

"That's your business here?" inquired Mr. Howard.

"Yes, sir."

**THOMAS J. LYNCH.**

Thomas J. Lynch was examined by Captain Dovenor. Speaking of the service upon him, he said he handed the summons to Clerk Henning, and asked if he was the man wanted.

"Didn't you tell him you knew nothing of the case?" "Yes, I told him that."

"And you had a long wrangle between counsel ensued, in the midst of which the jury was conducted from the court room. Then Mr. Boyce said the defense would offer to show through the witness that Johnson and Devinney announced their intention to swear out warrants for the arrest of their assailants. This would be offered in contradiction of the state's testimony that Johnson said he would kill the McLaughlin crowd "if it took twenty years."

"The offer is inadmissible," pronounced the court.

The defense excepted. The witness, Babb, was therefore excused.

**JOHN BLATTNER.**

John Blattner lived at Thirty-fifth and Chapline streets. He knew the McLaughlin boys and Craig. He saw Charles McLaughlin before his death, on September 2, near the La Belle landing. Craig and Frank McLaughlin were there. This was 8:30, 9 or 10 o'clock, before dinner. Craig had said he almost wore the toe of his shoe off kicking Johnson. Craig also said it was a wonder Johnson had any face left.

"Pugy" had shown him his bruised hand, and said he had been in a fight. Charles had told the witness that the next time he came up town he was going to be prepared to kill "Bandy" Johnson. He had told him he would "kill Bandy at the first opportunity." Charles wanted to kill Johnson because the latter had kicked him.

To Mr. Howard the witness said he had had "three, or four, or five, or six or seven drinks to-day." He had had one whiskey. He had had a beer and a whiskey since dinner.

"How many others since dinner?" "Oh, I can't just remember."

The defense objected vigorously, but the objection was overruled.

"How many drinks at Healy's?" "I don't see what that's got to do with

this case," rejoined the witness, and Captain Dovenor joined in. To Captain Dovenor: "And you're as sober as he is?" "Yes, and maybe more so."

To Mr. Howard: "Are you sober?" "Yes, sir."

"That's all," said Mr. Howard.

**CHARLES GLEASON.**

Charles Gleason, a sixteen-year-old boy, was next examined. Mr. Howard challenged, and inquired if the witness knew the nature of an oath. The witness was examined by Judge Huges and Mr. Howard, and the boy was declared qualified to testify. He knew Frank McLaughlin by sight. James McLaughlin he knew, also Charles McLaughlin. One of the McLaughlin boys came into Arlie's hardware store before the killing, and bought of the witness ten thirty-two calibre cartridges. He could not say which one of the McLaughlins it was who bought the cartridges. It was one of the small McLaughlins. Witness said this was before the murder.

To Mr. Howard, witness said he could not say it was Charles McLaughlin who bought the cartridges.

**A. L. WHITE.**

City Engineer A. L. White was the next witness called by the defense. A plat of streets and alleys had been made under his supervision. It was produced, and pronounced by the witness the best ever published. Later Mr. White was recalled, and at the instance of Captain Dovenor and Mr. Howard marked certain locations having a bearing on this trial.

**CHARLES EXLEY.**

The next witness was Charles Exley, who testified to having been with Captain Dovenor when assuming the position claimed to have been taken by Martin Kemp, Johnson and the McLaughlins, as brought out in Kemp's testimony. Mr. Howard objected, and Captain Dovenor thereupon announced his intention to have the jury visit the spot to-day.

**JOHN McFADDEN.**

John McFadden, engineer at the Niagara engine house, remembered the time of the killing of Charles McLaughlin. He knew of the fight of Thursday morning at the Parker block. There was objection from the state, and Mr. Boyce, of the defense said he would show a woman rushed to the Niagara engine house, and asked McFadden to telephone for a policeman. The offer was overruled, and the witness was excused.

**JOSEPHINE COMBS.**

Mrs. Josephine Combs testified she now lives at the corner of Twenty-fifth and Main streets, occupying two rooms. First she testified as to the location of doors, windows porches and yard. She knew the defendants; knew Frank McLaughlin by sight, and Craig. She saw Johnson between 2 and 3 o'clock Thursday morning, about two or three feet away from the little private alley. She went out where they were. They had two bottles of beer, and Johnson was taking the cork out of one bottle with a pen knife. At this time the two McLaughlins and Craig were coming down Twenty-fifth street to where witness and Johnson and Devinney stood.

Frank McLaughlin struck Johnson, who fell; then he struck Devinney. Then Craig went at Johnson, and "would have been kicking him yet if I hadn't yelled." Devinney was knocked as insensible. The witness entreated them to desist, and in reply they called Johnson a vile name, and Craig drew his fist on the witness. She saw Craig hit Johnson with a brick. Then she went to the Niagara engine house to have the police called. After the fight both Johnson and Devinney were taken into her kitchen. There were blood marks yet in the room, caused by blood from their wounds. Johnson left the house Thursday evening, and was gone ten or fifteen minutes, and got a straw hat. All through Thursday Devinney's condition was bad from the beating he had received.

The witness knew Charles McLaughlin. On Friday morning she saw Craig talking to Annie Riley, near her house. Craig saw her and shook his head and pointed his finger at his hand, but she didn't see what he had in his hand. The examination in chief was concluded at 6 p. m., and court then adjourned until 9:30 a. m. to-day.

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